

LAST OF THE MONTAUKS GONE

JUSTICE BLACKMAR DECIDES THE TRIBE IS EXTINCT.

A Chapter of Long Island Indian History Told in Court's Ruling as to Title to Montauk Point—Death and Mixed Blood Did Away With the Montauks.

The Montauk tribe of Indians, which at one time occupied Montauk Point, L. I., is declared legally dead by Supreme Court Justice Blackmar, who heard a suit brought in Suffolk county by Wyandank Pharaoh as chief and head of the Montauk tribe to enforce the rights of the tribe to about 1,200 acres of land near Montauk Point known as Indian Field. This land is now held by various owners. The defendants in the suit were the Long Island Railroad Company, the estate of Arthur W. Benson, Mary Benson, the Montauk Company, the Montauk Dock and Improvement Company and Alfred W. Hoyt.

Justice Blackmar says that on August 6, 1890, when the Montauk Indians after their war with the Narragansetts were living near and under the protection of the whites at East Hampton, they executed to the inhabitants a deed of the land now known as Montauk Point, reserving a yearly rental of \$10 for ten years the whites agreeing to let the Indians occupy the land under certain conditions. The next year the Indians executed another instrument to the whites, therein stating that they were to come back on the land, and expressing their gratitude to the whites for aid and assistance in the war with the Narragansetts. The tribe then decided to the whites an additional large tract of land. For the purpose of perfecting the title of the whites Richard Nichols, Governor-General under the Duke of York, who held a grant from the British Crown, issued a patent confirming the purchase made by the whites, and thus the land in question was discharged of all Indian rights.

On December 3, 1890, Gov. Thomas Donagan granted a patent to the inhabitants of East Hampton wherein he gave them the exclusive right to buy from the Indians all that part of the tract now called Montauk that they did not already hold. The whites then became the owners subject to the Indian right of tenancy. Three years later the Indians conveyed the whole of Montauk Point to the whites, in return for which the whites gave the Indians leave to plant "what corn soever they have occasion to plant from time to time when they see cause themselves and their heirs forever on the land as purchased by them of us." A rental of one ear of corn a year was reserved. About twenty years later, when the right given to the Indians to plant corn where ever they saw fit led to disputes as to the validity of the grant, the Indians gave a deed of confirmation of the tract on the payment by the whites of \$100. In consideration of this deed the whites made an agreement permitting the Indians to fence in land as their general field on North Neck, leaving the rest of the tract to the whites, and giving the Indians the right to hunt the North Neck and fence in a field between Great Pond and the Indian rights. Many years after the Indians abandoned North Neck and fenced in the 1200 acre tract known as Indian Field, which was the subject of the suit just ended.

Justice Blackmar says that for nearly two hundred years the Indians and their descendants lived on Indian Field and the inhabitants of East Hampton, who owned the land subject to the Indians' rights, never disputed those rights, but by a long course of dealing recognized them. The Indians, however, who produced and their blood so mixed that in many of them the Indian traits were obliterated. They had no internal government and their life consisted in fishing and cultivating the land "Indian fashion," as a witness expressed it, often leaving for long periods and working for the whites.

In 1885 the Indians were reduced to two or three families and Arthur W. Benson, who had bought the land subject to the Indian rights on a partition sale, began negotiating with the whites for money and the conveyance of certain parcels of land secured releases from the Indians. Soon the Indians endeavored to regain possession, but failed because the court held that in the absence of legislative permission to bring an action the Indians had no right to sue. In 1896 an act was passed enabling the bringing of a suit but providing that in the suit the question of the existence of the Montauk tribe should be determined by the court and that the act should not be construed as conferring trial rights on any individual party to that act the recent suit was brought.

The complaint set up that the right of the Indians to Indian Field was a tribal right, created by the Montauk tribe, and that the Indians were under a disability to sue with their rights, that until their rights were bought by Mr. Benson they had no right to sue. The court held that the Indians were under a disability to sue with their rights, that until their rights were bought by Mr. Benson they had no right to sue. The court held that the Indians were under a disability to sue with their rights, that until their rights were bought by Mr. Benson they had no right to sue.

There is now no tribe of Montauk Indians," concludes Justice Blackmar. "It has disappeared and been absorbed by the whites. The tribe has been dying for many years. The separation and scattering of the members due to the purchase by Mr. Benson gave it the final death blow. But I hold that the purchase was a lawful act and there is no consideration of justice which makes me loath to find that there is no longer a tribe of Montauk Indians."

To Call at Algiers and Not at Naples. North German Lloyd steamships going to the Mediterranean will begin next month calling at Algiers and continue doing so until the end of the winter season. The city has become popular with American travellers. Until assured that cholera no longer exists in Naples steamships of the line will not call there. Passengers for Naples will therefore be taken to Genoa, where there will be no communication with the shore.

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Nutwood Nov. 1st.

Two Men Shot by Chinaman.

Smashed Crockery and Wouldn't Pay Their Chop Suey Bill.

Two men were shot, one mortally, in the chop suey restaurant of Engle Kees at 223 Havemeyer street, Williamsburg, early yesterday morning. They were Albert Bogart, 19 years old, of 317 Ellery street and John Smith, aged 22, who lives at 137 Leonard street. Kees did the shooting while his waiter, Louis Shin, assisted in the affray with an iron bar.

Kees, who is a cousin of Tom Lee, the Mayor of Chinatown, is 30 years old and lives at 137 Mott street. Shin is 32 and his home is also in Mott street. The restaurant has been patronized lately by a gang of rowdies who after ordering the best which the place could furnish not only refused to pay but smashed crockery and glassware. It was a repetition of such an exploit which caused yesterday's shooting.

A dozen young men, including Bogart and Smith, entered the restaurant at 3 A. M. and after being served with chop suey refused to pay the bill. Other persons in the place suspected there was going to be trouble and made all haste to get out. All the members of Bogart and Smith's crowd got out without paying. When Kees demanded payment from the two boys Bogart pushed him aside and then he and Smith hurled dishes and glasses at him. All the dishes were smashed. As the two men backed out of the restaurant into the hall they continued to throw dishes and it was then that Kees rushed to a drawer and got his shooting iron while Shin picked up an iron bar.

Kees shot three times at Bogart. Two bullets struck him in the chest, one penetrating the liver on the right side and the other entering the left lung. The third bullet went wild. A bullet struck Smith in his right hand and another bullet hit him at the head. As the injured men fell Shin, it was alleged, ran up to Smith and struck his head and face with the iron bar.

The smashing of crockery followed by the shooting attracted a large crowd from the bridge, plaza and brought Police Sergeant Evans and five members of the Central Police squad, who were on duty, to the restaurant. When they entered the building they found the two men lying in the hall and the Chinamen awaiting arrest. Kees had hidden the revolver in a rice jar and the iron bar was found under a table. An ambulance was summoned from the Williamsburg Hospital and when Dr. Goldstein examined Bogart he pronounced him dying and removed him to the hospital. He returned and also had Smith taken to the same institution.

The two Chinamen were taken to the Bedford avenue station, where they were held on charges of felonies of assault. When they were arraigned in the Bedford avenue police court they told Magistrate O'Reilly through an interpreter that the shooting was done in self-defense. Kees said that the injured men with others had been in the restaurant several times and whenever they came they were bent on trouble, refusing to pay for their meals and destroying property.

The Magistrate committed both without bail until to-morrow.

MRS. ERDMANN STILL ALIVE.

Woman Shot by Her Brother in Ridgefield Park, N. J., in Critical Condition.

Mrs. Ludwig Erdmann of Ridgefield Park, N. J., who was shot by her inebriated brother, Wilhelm Meyer of Bay Ridge, is still alive in the Hackensack Hospital. The doctors have not yet attempted to probe for the bullet in her neck, concluding to give her a chance to recover from the shock. Her condition is considered critical.

Late on Saturday night when the woman's husband returned from New York and learned that she attempted murder he was so enraged that he was restrained with difficulty from attacking the dead body of her brother, who committed suicide after shooting his sister. A brother of Meyer came from New York and arranged to have the suicide buried in a Hackensack cemetery.

IRON LOW AND ACTIVE.

Consumers Hastening Inquiries While the Cheap Steel Lasts. Steel Decline.

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Democratic State Executive Committee to the Public.

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The menace of Rooseveltism and his New Nationalism hangs like a pall over the State, paralyzing industry and destroying business confidence, which have already been injured by the wasteful and extravagant expenditures of public money in State and Nation and by the corruption laid bare in official life at Albany. Democratic victory will mean the restoration of confidence, an end to extravagance and the return of business methods, with tranquility and order, to the transaction of public business.

This appeal is not intended for office holders, and no money will be accepted from corporations. Under these conditions we confidently appeal for help to all the people of the State. Checks may be sent to any member of the Executive Committee, whose names and addresses follow, or to Arthur A. McLean, Treasurer, at No. 1 West 34th St., New York City.

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